Declassified and Approved For Release 2011/12/20 : CIA-RDP89G00643R001000030032-8

DDA/REG LOGGED

EXDIR DDA OGC

THE ATTORNEY GENERAL
WASHINGTON

25 March 1987

Executive Registry
87-1166x/1

Dear Bob:

Thanks very much for your 19 March 1987 letter concerning the draft Executive order on personnel security. Please be assured that we will seek to find a resolution that accommodates the concerns expressed in your letter. I appreciate your bringing this to my personal attention.

With kindest regards,

Sincerely,

Edwin Meese III

The Honorable Robert M. Gates
Acting Director of Central Intelligence
Washington, D.C. 20505

607

Declassified and Approved For Release 2011/12/20 : CIA-RDP89G00643R001000030032-8

Declassified and Approved For Release 2011/12/20 : CIA-RDP89G00643R001000030032-8

DDA

Executive Registry
87-1166X

The Deputy Director of Central Intelligence
Washington, D.C. 20505

19 March 1987

DDA/REG LOGGED

The Honorable Edwin Meese, III
The Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

I have reviewed the Department of Justice draft Executive order on personnel security, which would establish government-wide policy concerning access to classified information. Based upon my review, I have concluded that certain provisions of the draft order are inconsistent with the statutory responsibilities of the Director of Central Intelligence (DCI), and are therefore unacceptable.

The order delegates extensive "oversight" authority for personnel security matters to the Information Security Oversight Office (ISOO). The sweeping oversight provisions in the order, which effectively permit ISOO to direct aspects of our security program, and second-guess security policy and other determinations made by the DCI, conflict with the statutory responsibility of the DCI to protect intelligence sources and methods. The order must expressly provide for oversight autonomy for the Central Intelligence Agency and, as appropriate, other intelligence agencies.

The order also imposes as mandatory a set of administrative appeals procedures for the revocation of security clearances and approvals, which must be followed unless the DCI personally certifies otherwise in each case. There is nothing in current law which requires this, and I consider such a requirement an unwarranted intrusion on the statutory discretion of the DCI, which carries with it a serious potential for adverse litigation with respect to the appropriateness of the DCI's certification in each case. Moreover, the order ties the denial and revocation of clearances and approvals to the legal standard of "reasonable doubt," which is an invitation for the entire program to be drawn into unnecessary and debilitating litigation.

I have been told that Deputy Attorney General Arnold I. Burns has been given responsibility for the order. Accordingly, I have asked representatives from my Office of General Counsel to meet with Mr. Burns to discuss my concerns with regard to the order. I am hopeful that a satisfactory accommodation can be agreed upon.

Sincerely,

Robert M. Gates

Robert M. Gates
Acting Director of Central Intelligence

OGC EXEC REG

L-103-15

Ed - I am deeply concerned about the impact of the draft order on DCI's statutory authorities. Bob

Declassified and Approved For Release 2011/12/20 : CIA-RDP89G00643R001000030032-8